

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

Michael C. Rock, <i>individually and as</i>	)	C/A No. 8:17-cv-3401-DCC
<i>successor by dissolution to K-Cor, Inc.,</i>	)	
	)	
Plaintiff,	)	
	)	
vs.	)	OPINION AND ORDER
	)	
Solar Rating & Certification Corporation and	)	
North Carolina State University,	)	
	)	
Defendants.	)	

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This matter is before the Court on a Motion to Dismiss and Compel Arbitration filed by Defendant Solar Rating & Certification Corporation's ("SRCC").<sup>1</sup> ECF No. 7. Plaintiff filed a Response in Opposition, and Defendant SRCC filed a Reply. ECF Nos. 8, 9.

In accordance with 28 U.S.C. §636(b) and the Standing Order *In Re: Magistrate Judge Case Equalization Plan*, No. 3:12-mc-00386-MBS (D.S.C. Nov. 7, 2012), Defendant SRCC's Motion to Dismiss and Compel Arbitration was referred to United States Magistrate Judge Jacquelyn D. Austin for a Report and Recommendation ("Report"). On July 23, 2018, the Magistrate Judge issued a Report recommending that the Motion be granted and the action be dismissed. ECF No. 16. The parties had fourteen days to file objections to the Report. *Id.* Neither party filed objections, and the time to do so has passed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final

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<sup>1</sup>On January 22, 2018, Plaintiff filed a Stipulation of Dismissal, dismissing Defendant North Carolina State University from this action. ECF No. 12.

determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See U.S.C. 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the Report’s recommendation. Accordingly, the Court adopts the Report by reference in this Order. Defendant SRCC’s Motion to Dismiss and Compel Arbitration [7] is **GRANTED**.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.  
United States District Judge

August 7, 2018  
Spartanburg, South Carolina